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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,293	05/08/2001	Tebaldo Granata	SODH.84679	3134

7590 04/23/2003
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EXAMINER

GONZALEZ, MADELINE

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,293

Examiner

Madeline Gonzalez

Applicant(s)

GRANATA, TEBALDO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Office Action Summary

Part of Paper No 12

DETAILED ACTION

In response to applicant's amendment dated February 3, 2003

Claim Objections

1. Claim 14 is objected to because of the following informalities:
 - a) The claim recites the limitation "the foundation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2: The claim recites the limitation "wherein the axle measurement lifting device is arranged on the first lifting stage". This limitation is confusing because claim 1 states that the axle measurement lifting device includes a first stage and a second stage. Fig. 4 shows that the

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axle measuring unit is located on the first stage. It appears that applicant is intending to claim --

wherein the axle measurement unit is arranged on the first lifting stage--.

Appropriate correction is required.

Claim 3: The claim recites the limitation "the lifting devices" in line 5. It is not clear if applicant is referring only to the second lifting stage and the vehicle lifting platform or if the first lifting stage is part of the claimed "lifting devices displaceably synchronously".

Appropriate correction is required.

Claim 4: The limitation "means for reversibly actuating the lifting drive for the first lifting drive" is confusing. It appears that applicant intends to claim --means for reversibly actuating the lifting drive for the first lifting stage--.

Appropriate correction is required.

Claims 5-7 are rejected due to their dependency on claims 3 and 4, respectively.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendrix (U.S. 6,115,927).

Hendrix discloses a measuring device for use with vehicles, as shown in Fig. 2, having:

- a vehicle lift platform;
- a camera 16 (axle measuring unit);
- a stand 50 (axle measurement lifting device) adjacent an end of the vehicle lift platform, the stand 50 (axle measurement lifting device) comprising at least first and second lifting stages;
- adjustment knobs 54 as means for actuating the lifting stages reversibly independently of each other; and
- wherein the camera 16 (axle measuring unit) is arranged on the first lifting stage.

With respect to the method steps: The method steps are met during the normal operation of the device stated above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrix (U.S. 6,115,927) in view of Naruse et al. (U.S. 6,256,894) [hereinafter Naruse].

Hendrix discloses all the subject matter claimed above in paragraph 5 with the exception of the specific type of the vehicle lift platform.

With respect to the specific type of the vehicle lift platform: Naruse discloses a wheel alignment measuring apparatus, as shown in Fig. 4, having a main lifting apparatus 10 in the form of a scissors platform. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the platform used by Hendrix with a scissors platform as taught by Naruse in order to provide an alternate type of platform which will perform the same function, if one is replaced with the other, of lifting a vehicle.

Allowable Subject Matter

8. Claims 3-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 9, 10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wanner, Masui and Wakamiya disclose vehicle lift platforms having two lifting stages. VanLierop, Traficant and Wolk et al. ('857) disclose scissors-type lifting platforms. Chisum discloses a chassis measurement apparatus. Chisum and Hamilton et al. ('443) disclose vehicle alignment systems. Knestel discloses an apparatus for measuring the position of wheels.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is (703) 308-7004. The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MG
April 18, 2003



Diego F.F. Gutierrez
Supervisory Patent Examiner
Technology Center 2800